IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1657 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ASSISTANT COLLECOTER

Versus

HAMIR SAJAN AHIR

Appearance:

MR MUKESH R.SHAH for Petitioner

MR SH SANJANWALA for Respondent No. 1-4

MR KP RAVAL, PP. for Respondent No. 5

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 30/06/2000

ORAL JUDGEMENT

The Assistant Collector of Customs (Preventive), Jamnagar has filed this petition under Article 227 of the

Constitution challenging the order dated 24.09.1993 passed below Exhibit 1 by the learned Chief Judicial Magistrate, Jamnagar in Misc. Criminal Application No. 1748 of 1993 allowing the said application and ordering the respondent nos. 1 to 4 who had surrendered themselves before the learned Magistrate to be taken into judicial custody. On 07.10.1993 rule was issued and ad-interim relief was also granted staying the impugned order. The learned Counsel for the petitioner states that subsequently the respondent nos. 1 to 4 were released on regular bail. It probably means that in view of the interim relief granted by this Court the accused must have been arrested by the custom authorities and thereafter, they must have been released on bail. In the circumstances, it is not necessary to go into the legality and propriety of the order passed by the learned Chief Judicial Magistrate. The petition is therefore disposed of. Rule is discharged with a liberty to the petitioner to take appropriate proceedings in case of necessity.

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m.m.bhatt